S.B. CIVIL WRIT PETITION NO.1533/2004

Mohin Khan Vs. Rajasthan Financial Corporation and others.

Date : 6.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Sachin Acharya, for the petitioner.
Mr. DS Rajvi, for the respondents.

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Heard learned counsel for the parties.

The present matter appears to be a harsh case as the original borrower died and his legal representative is facing the recovery proceedings because of the reason that the suit filed by RFC was decreed by the trial court. It appears that originally loan of Rs.1,33,500/- was granted to M/s. Mustak Ahmed Stone Industries – a proprietorship firm. It is stated by the learned counsel for the petitioner that the deceased himself paid substantial amount as compared to the principal amount but because of passing of time and because of heavy rate of interest, the due amount increased multifold. It is submitted that the petitioner took opportunity for settlement but because of serious illness of his sister, he could not attend the settlement proceedings before the RFC and ultimately, the petitioner's sister died a few days thereafter.

Learned counsel for the petitioner prays that the RFC

may be directed to reconsider the entire matter so that if RFC can grant relief to the petitioner, the same may be given to the petitioner. It is submitted that the petitioner will place before the RFC all the relevant facts which will disclose sufficient reason for taking a sympathetic attitude towards the petitioner.

In view of the above limited prayer, the present writ petition is disposed of. The petitioner may submit a detail representation to the RFC within a period of 15 days from today upon which the respondent no.1 may consider the representation and if permissible may grant relief to the maximum extent to the petitioner, if the respondents find that the case of the petitioner is genuine. The petitioner will be free to approach this Court if the petitioner will not get relief from RFC.

(PRAKASH TATIA), J.

S.Phophaliya